

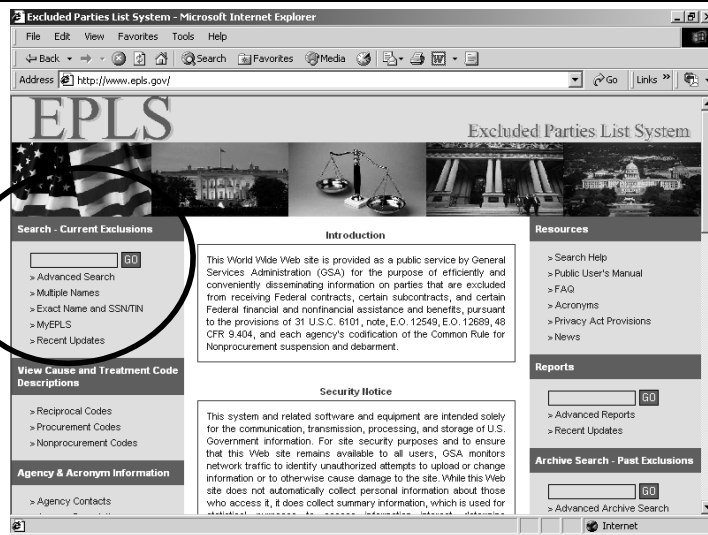
Labor Standards and Other Federal Requirements Training Continued

- **OTHER FEDERAL REQUIREMENTS**
 - Contractor's Eligibility
 - Contract Work Hours and Safety Standards Act
 - Section 3
 - Minority/Women's Business Enterprises
 - Resources



This portion of the training will briefly touch on other federal requirements namely, a contractor's eligibility, Contract Work Hours and Safety Standards Act, Section 3, Minority / Women's Business Enterprises, and Other Resources.

CONTRACTOR'S ELIGIBILITY



<https://www.epls.gov/>

All contractors must be eligible to work on federally funded projects.

<https://www.epls.gov>

Use this website to verify if a contractor is eligible to receive federal funds. Contractors in this database are NOT ALLOWED to receive funds Federally-funded projects.

Use the Search Options at the left side of the website.

Type in the contractor's information and click Search

Make a screen print.

Eligible contractors will give you a prompt, "your search returned no results." Print this screen and place screen print in the file. The screen print will include the date that eligibility was verified. This date must be before the award to the contract.

Requirements of CWHSSA

- Contract Work Hours and Safety Standards Act (CWHSSA)
 - CWHSSA requires paying time and one-half pay for overtime (O/T) hours (over 40 in any workweek) worked on the covered project.
 - Liquidated damages can be assessed at a rate of \$10 per day for each worker not paid overtime.



Requirements of Contract Work Hours and Safety Standards Act

Contract Work Hours and Safety Act requires paying time and a half for overtime worked on the covered project. Over time is anything over 40 hours in any workweek.

Consider that liquidated damages can be assessed at a rate of \$10 per day for each worker not paid overtime.

Section 3

- Under Section 3 of the HUD Act of 1968, wherever HUD financial assistance is expended for housing or community development, to the greatest extent feasible, economic opportunities will be given to Section 3 residents and businesses in that area.
- Annual report and numerical goals (July 1-June 30)
- Applicable for new construction and major rehabilitation with CDBG funds of \$100,000 or more.
- Include Section 3 contract clauses in bid documents and contract



Under Section 3 of the HUD Act of 1968, to the greatest extent possible economic opportunities will be given to Section 3 residents and business in that area.

Annually you report on numerical goals (including Section 3 business and employees and new hires that qualify as Section 3 residents) for the period July 1 through June 30.

The general threshold that triggers Section 3 is at least \$100,000 in federal funds for new construction and major rehabilitation contracts. Section 3 may cover Professional Service Contracts (such as Architecture) provided that the work to be performed by the professional is in connection with a Section 3 project (i.e. housing rehabilitation, housing construction, or other public construction project).

Compliance with Section 3 requires that Section 3 contract clauses are in the bid documents and contract.

Section 3

WHO'S ELIGIBLE:

- **Resident**

- Public housing resident or resident of San Diego County who qualifies as a low-income person. HUD defines a low-income person as one whose household income does not exceed 80% of the median income for the region, with adjustments for family size.

- **Business**

- 1. That is 51% or more owned by Section 3 residents; or
- 2. Whose permanent full-time employees include persons, at least 30% of whom are currently Section 3 residents, or who are within 3 years of the date of first employment with the business were Section 3 residents; or
- That provides evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to businesses that meet qualifications set forth in conditions (1) or (2) of this paragraph.



Example of efforts:

Advertising the training and employment positions by posting flyers (which identify the positions to be filled, the qualifications required, and where to obtain additional information about the application process) in the common areas or other prominent areas of the housing development or developments.

Advertising the jobs to be filled through local media, such as community television networks, newspapers of general circulation, and radio advertising. During publication, include language that indicates the project is subject to Davis Bacon, Section 3, and MWBE.

Have applicants fill out form to determine that they are resident of San Diego County and qualifies as low-income. (see Section 3 guide)

MWBE

- Minority / Women's Business Enterprises
- HUD Form 2516
- Annual report [October 1 – September 30]
- Applies to contract or subcontract > \$10,000, or if it's a significant part of total project



Reminder

- Bid Documents and Contract must include:

- Davis-Bacon: Federal Wage Determination
- Federal Labor Standards Provisions: HUD-4010
- Section 3: Contract Clauses
- Minority / Women's Business Enterprise: HUD-2516



Resources

Davis – Bacon

- **MAKING DAVIS-BACON WORK:** A Contractor's Guide to Prevailing Wage Requirements for Federally Assisted Construction Projects
- **On The Mark!** http://www.hud.gov/offices/olr/olr_otm.cfm
- **Office of Labor Relations:** <http://www.hud.gov/offices/olr/>
- **State License Board** <http://www.cslb.ca.gov>
- **State Apprentice Certifications**
<http://www.dir.ca.gov/DAS/appcertpw/AppCertSearch.asp>
- **DIR website** <http://www.dir.ca.gov>



Additional Resources

Section 3

- A COMPLIANCE GUIDE TO SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968: Economic Opportunities for Low and Very Low Income Persons
- **SECTION 3 WEBSITE:**
<http://www.hud.gov/offices/fheo/section3/section3.cfm>

CWHSSA

- **DOL Compliance link:** <http://www.dol.gov/compliance/laws/comp-cwhssa.htm>



END OF SLIDE SHOW



QUESTIONS

If you have specific questions, please contact the

County of San Diego

Department of Housing and Community Development

Community Development Division

3989 Ruffin Road

San Diego, California 92123

(858) 694-4801

<http://www.sdcountry.ca.gov/sdhcd/aboutus/regulations.html>

